

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

LLOYD CLIFTON DAVIS,

Plaintiff,

v.

RICK HILL, *et al.*,

Defendants.

Case No. 2:22-cv-00407-TLN-JDP (PC)

FINDINGS AND RECOMMENDATIONS

On December 14, 2022, I screened plaintiff's second amended complaint and notified him that the claims could not proceed together in the same action. ECF No. 13. I granted him thirty days to file an amended complaint or advisement indicating his intent to stand by his current complaint, subject to a recommendation that claims, or parties be dismissed. I also warned him that failure to comply with the December 14 order could result in dismissal of this action. *Id.* at 4. Plaintiff did not file an amended complaint. Accordingly, on March 3, 2023, I ordered him to show cause within twenty-one days why this action should not be dismissed. ECF No. 14. I notified him that if he wished to continue with this action he must file, within twenty-one days, an amended complaint or advisement of his intent to stand by his current complaint. I also warned him that failure to comply with the order would result in a recommendation that this action be dismissed. *Id.*

The deadline has passed, and plaintiff has not filed an amended complaint or otherwise

1 responded to the March 3, 2023 order.<sup>1</sup>

2 Accordingly, it is hereby RECOMMENDED that:

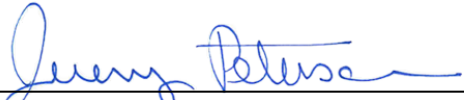
3 1. This action be dismissed for failure to prosecute, failure to comply with court orders,  
4 and failure to state a claim, for the reasons set forth in the December 14, 2022 and March 3, 2023  
5 orders.

6 2. The Clerk of Court be directed to close the case.

7 These findings and recommendations are submitted to the United States District Judge  
8 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days  
9 after being served with these findings and recommendations, any party may file written  
10 objections with the court and serve a copy on all parties. Such a document should be captioned  
11 “Objections to Magistrate Judge’s Findings and Recommendations.” Any response to the  
12 objections shall be served and filed within fourteen days after service of the objections. The  
13 parties are advised that failure to file objections within the specified time may waive the right to  
14 appeal the District Court’s order. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez*  
15 *v. Ylst*, 951 F.2d 1153 (9th Cir. 1991).

16  
17 IT IS SO ORDERED.

18 Dated: April 27, 2023

19   
20 JEREMY D. PETERSON  
21 UNITED STATES MAGISTRATE JUDGE  
22  
23  
24  
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26  
27 <sup>1</sup> On March 27, 2023, plaintiff filed a notice of change of address, but did not file an  
28 amended complaint or respond to the order to show cause. ECF No. 15. The March 3 order was  
re-served on plaintiff’s updated address, but the order was returned to the court as undeliverable  
on April 21, 2023.